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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,375	02/05/2004	Albert L. Hankins	29016	6362

7590 11/29/2006  
Edward A. McConwell, Jr.  
5925 Beverly  
Mission, KS 66202

EXAMINER

MAI, TRI M

ART UNIT PAPER NUMBER

3781

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,375

Applicant(s)

HANKINS ET AL.

Examiner

Tri M. Mai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

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1. Claims 1, and 2 are rejected under 35 U.S.C. 102 (b) as being anticipated by Warner (2865433). Warner teaches a combination seat cushion and tote bag device comprising a seat cushion portion 16 including a padded cushion 14, a flexible cover 16 with a front face with upper and lower edge and a tote bag portion defining a storage pouch coupled and depending from the front face,

2. Claims 3-5, and 11-14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Warner in view of Gottlieb et al. (6082816). It would have been obvious for one of ordinary skill in the art to construct the bag from transparent material as taught by Gottlieb, col. 2, ln. 20) to enable one to see the inside contents.

Gottlieb also teaches indicia (col. 4, ln. 51). It would have been obvious to one of ordinary skill in the art to provide indicia to advertise and/or to communicate.

3. Claims 4, and 13 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Warner rejection, as set forth above in paragraph 2, and further in view of Chatman. Superfluously, Chatman further teaches that it is known in the art to provide indicia. It would have been obvious for one of ordinary skill in the art to provide indicia to advertise and/or to communicate.

4. Claim 6 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Warner in view of Trager (1768496). It would have been obvious for one of ordinary skill in the art to provide gusset on the side enabling the bag to collapse as taught by Trager to enable one to store the bag easily.

5. Claims 7-10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Warner in view of Raffensperger (5573288) or Remis (4547990). It would have been obvious for one of ordinary skill in the art to provide a removable strap to provide an alternative carrying means.

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6. Claims 15-16 are rejected under 35 U.S.C. 103 (a) as being unpatentable over the Warner rejection as set forth in paragraph 2, and further in view of Trager (1768496). It would have been obvious for one of ordinary skill in the art to provide gusset on the side enabling the bag to collapse as taught by Trager to enable one to store the bag easily.

7. Claims 17-20 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Warner in view of Raffensperger (5573288) or Remis (4547990). It would have been obvious for one of ordinary skill in the art to provide a removable strap to provide an alternative carrying means.

8. Claim 1, and 2 are rejected under 35 U.S.C. 102 (b) as being anticipated by Owens. Owens teaches a cushion and a bag depending from the front face of the covering as shown in Fig. 6.


9. Claims 3-5, and 11-14 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Owens (4842329) in view of Chatman (6076211). It would have been obvious for one of ordinary skill in the art to provide a transparent bag with a removable indicia as taught by Chatman to enable to provide the desired messages.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on (571)272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Tri M. Mai  
Primary Examiner  
Art Unit 3781